

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

AMAZON.COM, INC. and AMAZON DATA  
SERVICES, INC.,

Plaintiffs,

v.

WDC HOLDINGS LLC dba NORTHSTAR  
COMMERCIAL PARTNERS; BRIAN  
WATSON; STERLING NCP FF, LLC;  
MANASSAS NCP FF, LLC; NSIPI  
ADMINISTRATIVE MANAGER; NOVA  
WPC LLC; WHITE PEAKS CAPITAL LLC;  
VILLANOVA TRUST; CARLETON  
NELSON; CASEY KIRSCHNER; ALLCORE  
DEVELOPMENT LLC; FINBRIT  
HOLDINGS LLC; CHESHIRE VENTURES  
LLC; 2010 IRREVOCABLE TRUST; SIGMA  
REGENERATIVE SOLUTIONS LLC;  
CTBSRM, INC.; RODNEY ATHERTON;  
DEMETRIUS VON LACEY; RENRETS  
LLC,

Defendants.

CASE NO. 1:20-CV-484-RDA-IDD

800 HOYT LLC,

Intervening Interpleader  
Plaintiff / Intervening  
Interpleader Counter-  
Defendant,

v.

BRIAN WATSON; WDC HOLDINGS, LLC;  
PLW CAPITAL I, LLC; BW HOLDINGS;  
LLC,

Interpleader Defendants,

and

AMAZON.COM, INC., and AMAZON DATA  
SERVICES, INC.,

Interpleader Defendants /  
Interpleader Counter-Plaintiffs.

**STIPULATION AND [PROPOSED] ORDER REGARDING  
THE PRODUCTION OF DOCUMENTS CONTAINED IN THE IMAGE OF CASEY  
KIRSCHNER'S LAPTOP SUBJECT TO PRIVILEGE PURSUANT TO FEDERAL  
RULE OF EVIDENCE 502(d) AND 502(e)**

Plaintiffs Amazon.com, Inc. and Amazon Data Services, Inc. (collectively, “Amazon”) and Defendant Casey Kirschner (“Mr. Kirschner”) (Mr. Kirschner together with Amazon, the “Parties”) hereby enter into this Stipulation regarding the production of material considered by Amazon’s expert witness, Mr. Jerry Bui, pursuant to Fed. R. Civ. P. 26(a)(2)(B)(ii), and respectfully ask the Court to enter this Stipulation and Proposed Rule 502(d) order protecting the privilege over any such documents, pursuant to Federal Rule of Evidence 502(d) and (e). Defendants Brian Watson, WDC Holdings LLC dba Northstar Commercial Partners, NSIPI Administrative Manager, Sterling NCP FF, LLC, Manassas NCP FF, LLC, Carleton Nelson, Cheshire Ventures LLC, and Rodney Atherton (“Defendants”) do not object to the entry of this “Stipulation and Proposed Rule 502(d) Order” as a Rule 502(d) order.

WHEREAS, on November 16, 2022, Amazon served on Defendants a copy of the Expert Report of Mr. Bui from FTI Consulting. In formulating his opinion, among other things, Mr. Bui relied upon what Amazon represents is an image of Defendant Casey Kirschner’s laptop (the “Image”) and provided an opinion about certain documents found on that Image. The Image was not previously provided in discovery, and on November 18, 2022, Mr. Kirschner’s counsel asked for a copy of the Image to prepare a rebuttal expert report.

WHEREAS, Amazon maintains that the Image contains privileged and business-sensitive documents.

WHEREAS, in order to preserve any potential privilege over any information that might be contained in the Image, Amazon has asked the parties to enter into this Stipulation and agree to an entry of a 502(d) order protecting privilege over any privileged documents within the Image.

WHEREAS, Mr. Kirschner has agreed to this stipulation and proposed Rule 502(d) order and further requests the Court to enter this Stipulation into the Court record as a Rule 502(d) order,

which entry Defendants consent.

NOW, THEREFORE, the Parties have stipulated as follows:

IT IS STIPULATED by and between the Parties that Amazon will provide a copy of the Image to Mr. Kirschner's counsel, that the Image may contain documents containing or reflecting privileged information over which Amazon holds a privilege and/or work product, and that no Defendant in this action shall argue that such production constitutes a subject matter waiver of any privilege or protection pursuant to Rule 502(e) of the Federal Rules of Evidence; and

IT IS FURTHER STIPULATED that Mr. Kirschner's counsel will not access any documents or information stored on the Image, will sequester the Image, and only provide a copy of the Image to an expert or experts engaged by Mr. Kirschner for the purpose of rebutting Mr. Bui's expert report. Only experts so engaged by Mr. Kirschner, and those experts' designated staff and support personnel, will be permitted to access and analyze the contents of the Image, and will only review and analyze the Image for the sole purpose of rebutting Mr. Bui's expert report. The Parties also agree that while any expert (and that expert's staff) that Mr. Kirschner may engage in connection with rebutting Mr. Bui's report and opinion will have full access to the Image for the purpose of rebutting Mr. Bui's report and opinion, neither Mr. Kirschner, nor any other Defendant nor any counsel for any Defendant will access the Image or its contents, and no expert (or that expert's staff) retained by Mr. Kirschner will share any documents found on the Image with any Defendant, or any counsel for any Defendant, except as necessary to rebut Mr. Bui's expert report. In the unlikely event that it becomes necessary for Mr. Kirschner's expert to use the contents of documents other than the two documents addressed in Mr. Bui's report, Mr. Kirschner's counsel shall designate that Expert's report as "Highly Confidential-Attorneys' Eyes Only," upon its disclosure to Plaintiffs and other Defendants pending Amazon's review of the report. That "Highly

Confidential” designation shall expire within five (5) days thereafter, unless Amazon specifically designates any portion thereof as “Confidential” or “Highly Confidential—Attorneys’ Eyes Only” under the Protective Order entered in this case.

IT IS FURTHER STIPULATED that Defendants will not use any documents obtained solely from the Image for any purpose other than to rebut Mr. Bui’s expert report.

IT IS FURTHER STIPULATED that, except as explicitly stated herein, the Parties to this Stipulation do not waive any other rights or protections afforded them by the applicable rules and law, including, but not limited to, work product and attorney-client privileges, and that this Stipulation is without prejudice to any Parties’ rights thereunder.

**STIPULATED AND AGREED TO BY:**

Dated: December 22, 2022

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*Counsel for Casey Kirschner*

**IT IS SO ORDERED.**

Dated: December \_\_, 2022

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Hon. Rossie D. Alston, Jr.  
U.S. District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on December 22, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. I will then send the document and a notification of such filing (NEF) to the following parties via U.S. mail to their last-known address:

CTBSRM, Inc.  
6870 W 52nd Ave., Ste. 203  
Arvada, CO 80002

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Demetrius Von Lacey  
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